



YELLOWSTONE COUNTY ZONING COMMISSION
YELLOWSTONE COUNTY, MONTANA
TUESDAY, October 14, 2014

SUBJECT: Zone Change #652 – 6132 South Frontage Road – Quarnburg Farm
THROUGH: Candi Millar, AICP, Planning Director
FROM: Nicole Cromwell, AICP, Zoning Coordinator

REQUEST

The applicant is requesting a zone change from Agriculture-Open Space (A-1) to Highway Commercial (HC) on a 126.51-acre parcel of land described as the Southwest ¼ of Section 18, Township 1 South, Range 26 East (LESS RY, HWY & C/S 1614, C/S 2038 & the area already zoned HC). The property is generally located at 6132 South Frontage Road approximately 1 mile west of the I-90 King Avenue West interchange. The applicant conducted a pre-application neighborhood meeting on July 28, 2014 and the meeting attendance list and notes are included in Attachment B. The County Zoning Commission opened the public hearing on this request on September 8, 2014, and delayed the item to October 14, 2014, to allow the applicant, their agents and surrounding property owners (Elysian School) to discuss an alternate zone change plan. An alternate plan has not been negotiated, so the original application is moving forward. The Planning staff is forwarding a recommendation of denial based on the 11 criteria for zone changes.

APPLICATION DATA

OWNER: Quarnburg Farming Corporation
AGENT: Dax Simek, P.E., Morrison Maierle, Inc.
LEGAL DESCRIPTION: Southwest ¼ of Section 18, Township 1 South, Range 26 East (LESS RY, HWY & C/S 1614, C/S 2038 & the area already zoned HC)
ADDRESS: 6132 South Frontage Road
SIZE OF PARCEL: 126.51 acres
EXISTING LAND USE: Residences and sod farm
PROPOSED LAND USE: Same with potential future commercial or mixed use development
EXISTING ZONING: A-1 & HC
PROPOSED ZONING: HC

APPLICABLE ZONING HISTORY

Subject Property

Zone Change #303 – A zone change from A-1 to HC on a small section in the north east corner of the property was approved by the County on January 31, 1981

Surrounding Properties – There have been 11 similar zone change requests in this area of Yellowstone County since 1976. One of these applications was denied, one was withdrawn, and 9 were approved. Tvetene Turf to the west submitted a Planned Development zone change in 2013 and worked with Elysian School to customize the zoning so the school could purchase property and protect the school property from encroachment of incompatible uses. Three applications were submitted for the Hiway Acres Subdivision on the west side of East Lane. One application was denied for Lots 6 through 14. Subsequently, two applications were approved. One of those approved was for Lots 6 through 9. This zone change was approved based on the applicants filing a protective covenant on the property to require landscape screening and buffering of the adjacent residential properties on East Lane. The covenants were filed just prior to the County Commissioner’s approval. Two zone changes in the Bottrell Subdivision south of Elysian School were approved and one was withdrawn. There was concern from adjoining land owners about direct access for truck traffic on to East Lane. The applicants at the time did not intend to access East Lane. Subsequent to the approved zone change, access was granted to East Lane and truck traffic uses East Lane to connect with the South Frontage Road.

CONCURRENT APPLICATIONS

None

SURROUNDING LAND USE & ZONING

NORTH: Zoning: HC & CI
Land Use: I-90 and Hogan Homestead Business Park north of I-90
SOUTH: Zoning: A-1
Land Use: Agriculture
EAST: Zoning: HC & CI
Land Use: Titan Subdivision – concrete manufacturer and similar uses
WEST: Zoning: HC, R-150 & Public
Land Use: Commercial, single family homes, and Elysian School

REASONS

The subject property is located approximately 1 mile west of the King Avenue West & I-90 interchange. The total area of the property is 126.51 acres and is most of the area of the south west ¼ of Section 18 in Township 1 South, Range 26 East. A ¼ section is typically 160 acres. The property has approximately 1,600 feet of frontage on South Frontage Road, 1,585 feet of frontage on East Lane, and 2,400 of frontage on Elysian Road. The property is bounded by Hogan’s Slough on the east. The property has been used as a turf farm by Tvetene Turf as leased agricultural land. The property owners now desire to retire from agriculture and sell the property.

The owners petitioned the City of Billings to include the property in the Limits of Annexation Area for annexation within the next 5 years and this was granted in the spring of 2014. A small portion of the northeast corner of the acreage received a zone change to HC in 1981. This zone change was to accommodate the business equipment storage for the farming operation. The north half of the property has sufficient frontage on an arterial street to accommodate commercial traffic. The surrounding properties are zoned for agricultural uses, low density housing or

commercial uses. The Titan Subdivision to the east is zoned HC and CI and accommodates a variety of commercial shops and businesses. A concrete manufacturer is located on the CI zoned lot. All the lots in Titan Subdivision, with one exception, access Mullowney Lane to the east, a collector street. Property to the west is zoned HC and R-150. The HC zoned property with street frontage on South Frontage Road has protective covenants that require buffering and screening of the single family homes on East Lane. Property to the south is zoned A-1 and currently used for agricultural production. A current buyer for this property is McCall Development for a new residential subdivision in the city. Southwest of the property is Elysian School, an elementary school. Elysian School District recently approved a bond ballot to expand the school in this location to accommodate the increased student enrollment from nearby subdivisions.

Elysian Road and East Lane are both designated collector streets under the Functional Classification Map for roadways administered by the City and County. A collector street is intended to carry traffic from adjacent subdivisions and property to an arterial street. A collector street can accommodate residential traffic and some commercial traffic. A collector street can be designed for primarily residential traffic or commercial traffic. The existing design for East Lane and Elysian Road does not meet current standards for residential or commercial collector street design. The pavement width on Elysian Road is 20 feet and the width on East Lane is 18 feet. The pavement on East Lane is significantly deteriorated. A minimum pavement width for a residential collector street is 40 feet and 44 feet for a commercial collector. The South Frontage Road in this area carries approximately 5,220 vehicles per day near the intersection with East Lane. Elysian Road carries approximately 870 vehicles per day. There is no traffic count data available for East Lane. The posted speed limit on South Frontage Road is 60 mph at this location. There is no posted speed limit on either East Lane or Elysian Road except at the intersection where the school zone is posted at 15 mph. East Lane is stop controlled at the intersection with Elysian Road. The current zoning of A-1 has been in effect since 1973 when the county adopted jurisdictional zoning around the City of Billings.

The applicants have owned and farmed the property since well before zoning was in place for the County. There are farm buildings and machinery storage in the northeast corner of the property and there is a manufactured home on the south west corner near the intersection of Elysian Road and East Lane. The area of property proposed for HC zoning encompasses the entire property, although adjacent zoning to the south and west is either A-1, residential or for the public school. The school location at the intersection is not compatible with many of the allowed uses within the HC zone including limited pharmaceutical manufacturing, truck stops, mining equipment storage and service, heavy construction contractors, ice plants, manufacturing plants, wholesale warehouses, large retail facilities, hotels, RV parks, truck terminals, and similar uses. The largest area of HC in the area is directly east in the Titan Subdivision, Zeiler Subdivision and Kelly Subdivision. The Titan Subdivision has developed outside the city limits and includes low-water use facilities such as personal storage warehouses, heavy construction contractors, cement manufacturers, building material supply warehouses, forklift and machinery dealers and plumbing warehouses. The Zeiler Subdivision is not yet developed but has been annexed to the city and zoned HC. The Kelly Subdivision also within the city limits includes a new 80+room La Quinta Inn, a Kelly Inn, the Southern Empire Emporium Restaurant and Casino, and the Cracker

Barrel Restaurant. The Hogan Homestead Subdivision north of I-90 is also a similar size area of HC. This property is within the city limits and includes restaurants, hotels, banks, Costco, Shopko, EMBS offices, and other service businesses. Hogan Homestead Subdivision is bordered by King Avenue West and S 24th Street West, both multi-lane arterial streets.

The proposed zoning and potential uses of the property may have a detrimental impact on the surrounding streets, residential properties (both existing and planned) and the school. The type and volume of commercial traffic cannot be predicted at this time, but it would likely require the re-construction of both East Lane and Elysian Road to commercial collector street standards. Hiway Acres Subdivision to the west dedicated a 30-foot half right-of-way. Additional right of way would be required from this property to develop a collector street. Elysian Road has no dedicated right of way but is a mid-section line road with a 60-foot road easement. Right of way would also need to be dedicated for the development of a collector street. These street dedications would not be required unless a subdivision of the property is proposed in the future. If the property is not subdivided, development of the property could still occur. The traffic would have to be accommodated with the existing roads as currently built. Driveway or street opening permits would be issued by the County, or if the new driveway is off South Frontage Road then MDT would provide the permit.

The Planning staff must consider all potential uses on the subject property including retail, commercial office space, restaurants (with or without alcohol service), personal storage and multi-family uses. Some of these uses would require annexation for provision of public utilities. If the entire property were developed for multi-family dwellings (10-plexes), then new traffic generate would be significantly increased (@27,500 trips per day). A 5,000 square foot restaurant would generate approximately 200 new vehicle trips per day. The current zoning allows single family dwellings and agricultural uses. The property has more than 1,600 linear feet of frontage on South Frontage Road that could accommodate at least 2 new street openings for internal street access to new developments. East Lane and Elysian Road offer more frontage and could accommodate multiple street or driveway openings. Another use of the undeveloped property with the proposed zoning would be for billboards. The current zoning does not allow billboards. The County sign code would allow the installation of up to 3 new billboards on the South Frontage Road within the HC zone.

A neighborhood meeting was conducted by the applicant on July 28, 2014, at the subject property. Five surrounding property owners attended the meeting. The meeting notes indicate concerns with commercial development adjacent to residential homes and the school. The minutes of meeting are included as Attachment B. The Planning Division did not receive any letters or phone calls regarding the zone change prior to the Zoning Commission hearing.

Planning staff has reviewed this application and is forwarding a recommendation of denial for the proposed zone change based on the 11 criteria for zone changes. Part of the property may be appropriate for HC zoning, particularly the area with access to South Frontage Road. The south west quarter of the property near the intersection of East Lane and Elysian Road would be more appropriate for residential uses, low-intensity commercial development that could serve this

growing area of Billings, or some mixed use development with compatible residential and commercial uses. The HC zone does allow residential uses but there are few residential developments within HC zoning districts. The adjacent streets are not intended to handle the type and volume of commercial traffic that could result from the development with an HC zoning designation. The proposed zoning is incompatible with the existing adjacent uses to the south and west and planned development of those adjacent parcels. The HC zone could allow the construction of other uses that may also have a detrimental effect on traffic and the adjacent residential and agricultural uses.

STAKEHOLDERS

The Zoning Commission opened the public hearing on September 8, 2014, and received the staff recommendation, testimony from the applicants, the agents, the Elysian School District and surrounding property owners. Written testimony received is attached to this report. The Zoning Commission voted to delay action on the application to allow the applicant, agents and Elysian School officials to discuss an alternate zone change plan. The applicants proposed and alternate but could not reach an agreement with the school district in time for publication of legal notice on September 17.

RECOMMENDATION

Denial of Zone Change #652 and adoption of the 11 criteria for this zone change.

PROPOSED ZONING COMMISSION DETERMINATIONS

The Yellowstone County Zoning Commission, prior to any recommendation, shall consider the following:

1. *Is the new zoning designed in accordance with the Yellowstone County and City of Billings 2008 Growth Policy?*

The proposed zoning does not comply with the following goals of the Yellowstone County and City of Billings 2008 Growth Policy and area plans:

- Prohibit high intensity commercial development in residential areas. Provide less intensive commercial development on arterial intersections within residential neighborhoods.
This zone change would place a high intensity commercial zone adjacent to existing and planned residential homes as well as Elysian School.
- Predictable land use decision that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans. (Land Use Element, page 6).
This zone change would allow for high intensity commercial use adjacent to low-density uses and neighborhoods. This is not consistent with the neighborhood character.
- Goal: New developments that sensitive to and compatible with the character of adjacent development. (Land Use Element Goal, page 6).

This property is adjacent to commercial uses to the east and north but has low intensity uses and sensitive uses to the south and west. This is not compatible with the adjacent development.

2. *Is the new zoning designed to secure from fire and other danger?*

The subject property is currently served by the Billings Urban Fire Service Area (BUFSA). The nearest fire station is located on S 24th Street West (FS #5), approximately 2 miles north of the subject property. The property currently pays approximately \$1,300.00 per year for structural fire protection.

3. *Will the new zoning facilitate the provision of transportation, water, sewerage, schools, parks and other public requirements?*

Transportation: The new zoning will increase traffic on all of the adjoining streets when sales of property and development occurs. It is not possible to predict the type and volume of traffic that could be generated except in a general manner. Both Elysian Road and East Lane are considered collector streets but neither are developed to these standards at this time. Elysian Road and East Lane have no posted speed limits and have about 20 feet of pavement width for two-way traffic. South Frontage Road is developed for highway type traffic including higher speeds and heavier vehicles. There is no guarantee that all traffic generated by a proposed development would access only South Frontage Road. The County does not intend to improve either Elysian Road or East Lane in the future. If a subdivision occurs, improvements to collector street standards may be required.

Water and Sewerage: The property will be served by septic systems and an on-site water system if developed in the County. If the property is annexed, city services could be extended to the property.

Schools and Parks: The proposed zoning could have an impact on the student enrollment if residential homes or apartments are constructed. The more immediate impact is on the school facility itself at the southwest corner of the intersection of East Lane and Elysian Road. The types and volume of commercial traffic would make the operation of a safe and comfortable school campus challenging.

Fire and Police: The subject property is serviced by the Billings Fire Department and the Yellowstone County Sheriff's Department. Fire protection will be evaluated at the time of a development plan.

4. *Will the new zoning promote health and general welfare?*

The new zoning will allow development of property that is adjacent to commercial property to the north and east but not near existing commercial uses to the south and west. The proposed zoning adjacent to the residential uses (existing and planned) and the elementary school is not compatible and would not promote the general health and welfare of the residents and students. The current zoning, A-1, allows low density single

family dwellings (1 per 10 acres) and agricultural uses. The proposed HC zoning will allow the owner to sell the property to any developer of a commercial use including single use developments, mixed use developments or multi-family uses. This does not promote the health and general welfare of the area.

5. *Will the new zoning provide adequate light and air?*
The proposed zoning would require minimum setbacks, maximum building heights and maximum lot coverage. These requirements should allow adequate light and air to reach the subject property and adjacent properties.
6. *Will the new zoning effect motorized and non-motorized transportation?*
The proposed zoning itself will not generate more traffic on any of the adjacent streets. There are no pedestrian facilities in the area but South Frontage Road, East Lane and Elysian Road are all designated on-street bike routes. There are no shoulders on the pavement of East Lane and Elysian Road so the travel way for pedestrians, bicycles, and vehicles are shared. Introducing commercial traffic loads to either street would have a detrimental effect on pedestrian, bicycle, and vehicular use of these travel ways.
7. *Will the new zoning be compatible with urban growth in the vicinity?*
The proposed zoning is not compatible with adjacent residential uses and school facilities. The proposed zoning is more compatible with uses to the north and east.
8. *Does the new zoning consider the character of the district and the suitability of the property for particular uses?*
The subject property is in an area that has low density residential development, planned residential development and an elementary school. A portion of the property may be suitable for HC zoning, but not the entire parcel. It is not likely the character of the area south and west of the property will change to further commercial uses in the future given the existing uses, recent zone changes, and current development plans.
9. *Will the new zoning conserve the value of buildings?*
The new zoning will allow the development of new commercial uses throughout the property. The intrusion of commercial uses across the street from homes on East Lane and from the school facility will result in lower market value for these adjacent residential properties. The property is currently developed with a commercial agriculture building and a manufactured home. The manufactured home will become a legal non-conforming use of the property if the zoning is changed as proposed.
10. *Will the new zoning encourage the most appropriate use of land in Yellowstone County?*
The property is not suitable for the proposed HC zone for the entire parcel. A north and east portion of the property may be suitable for HC uses. This area of southwest Billings has experienced recent growth primarily from property zoned and annexed for uses within the city. Rural commercial development is possible but many potential uses would require city water and sewer services. Property to the east close to the I-90 interchange

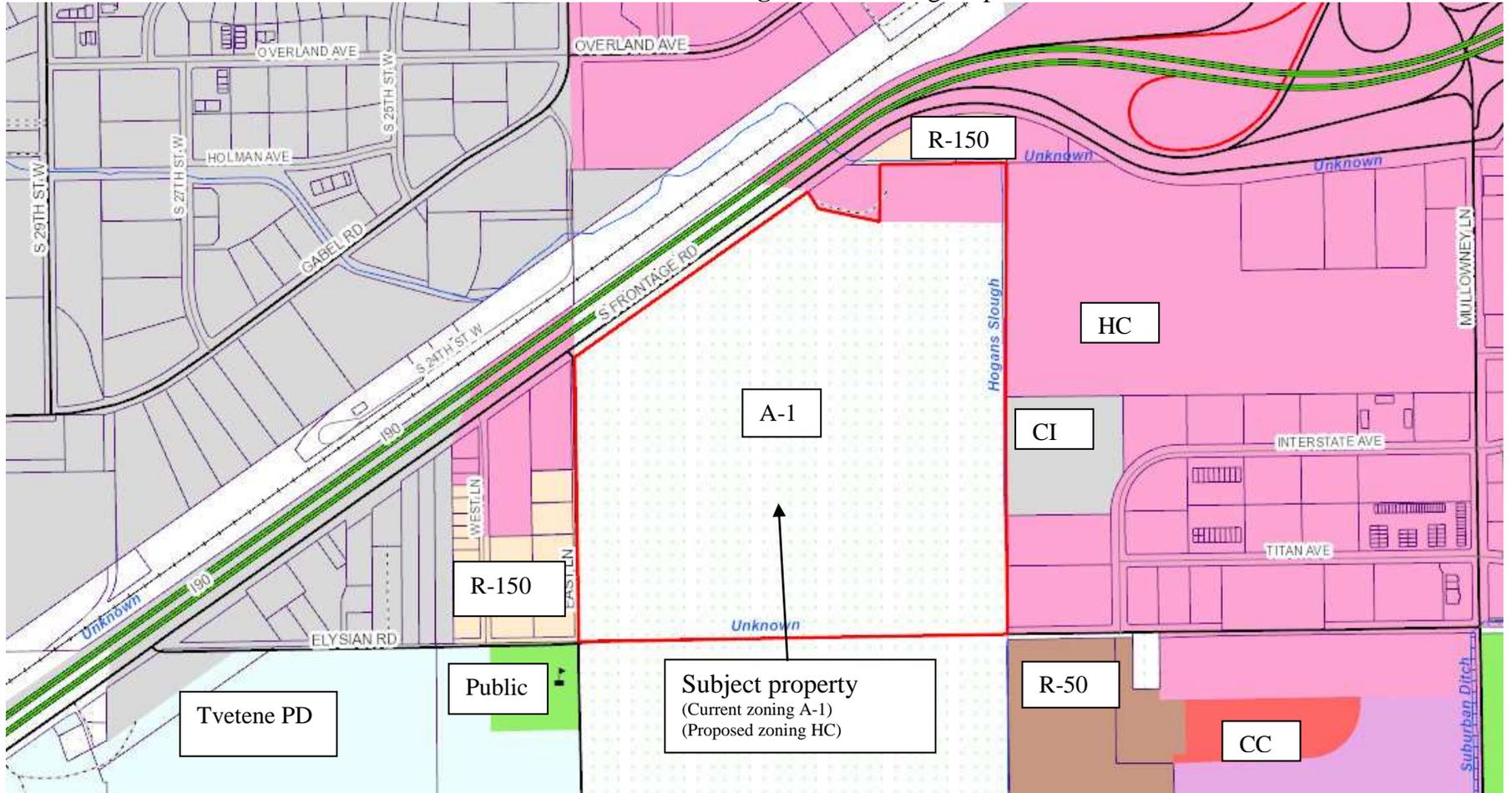
has developed for HC uses including hotels, restaurants, gas stations and similar uses catering to the traveling public. The HC zone is intended to “*provide areas for commercial and service enterprises which are intended primarily to serve the needs of the tourist, traveler, recreationist or the general traveling public. Areas designated as Highway Commercial should be located in the vicinity of, and accessible from interstate interchanges, intersections on limited access highways, or adjacent to primary or secondary highways. The manner in which the services and commercial activities are offered should be carefully planned in order to minimize the hazard to the safety of the surrounding community and those who use such facilities.*” While portions of the property may be appropriate for the request HC zone, there is no careful planning that will eliminate the hazard to the surrounding community. This not the most appropriate use of land for this entire property in this area of the County.

11. Will the new zoning be as compatible as possible with adjacent zoning in the City of Billings?

The proposed zoning is adjacent to the City of Billings on the east. The proposed zoning of the north half of the property is compatible with adjacent zoning.

- Attachment A: Zoning Map
- Attachment B: Applicant Letter & Pre-application neighborhood meeting minutes
- Attachment C: Site Photographs
- Attachment D: Written Testimony from September 8, 2014

Attachment A - Zone Change #652 - Zoning Map



Attachment B - Zone Change #652
Applicant Letter & Pre-application neighborhood meeting minutes

Pre-application Meeting Synopsis

Yellowstone County requires that a pre-application meeting be conducted prior to the zone change application submittal. As such, a meeting was held on Monday, July 28, 2014 at 6132 South Frontage Road. Dax Simek, P.E. of Morrison Maierle, Inc. facilitated the meeting to present the proposed zone change and address any questions or concerns from those in attendance.

Eight people attended the meeting to discuss the zone change. Four of the individuals expressed concern regarding the possibility of commercial development occurring adjacent to the school and existing residential areas. They mentioned increased traffic along East Lane that could result from development of the property.

Other topics discussed included potential impact on property values and whether the property would be served by City water and sanitary sewer upon development. It was discussed that ultimately the property would likely be annexed into the City of Billings and go through a major subdivision review process due to the large size of the parcel and that this would give adjacent landowners an additional opportunity to discuss their concerns.

Overall, the tone of the meeting was very civil with some individuals wanting to know how some of the potential issues that arise from commercial and/or residential development can be mitigated.

QUARNBURG ZONE CHANGE APPLICATION – SIGN-IN LIST

Project: Quarnburg Zone Change Application – Public Meeting
Date/Time: Monday, July 28, 2014, 6:00pm
Location: 6132 South Frontage Road

NAME	ADDRESS	PHONE	E-MAIL
Brice Quarnburg	4025 3 RD AVE S	2458452	
Jessie Quarnburg	4025 3 RD Ave So	245-8432	jessiequarnburg.net
Joseph Quarnburg			
Chapin St. Keegan	6012 S. Frontage Rd	656-6959	
GARY ARMSTRONG	1701 EAST LN	655-4439	GARMIT71@gmail.com
TANNIE JOHNSON	1521 WEST LN	860-3918	
Wanda Morgan	1520 East Ln	690-3563	wandahenfer@hotmail.com
Dave Shickler	1470 East Ln	969-1383	DAVICZ@charter.net

**Zone Change Plan
6132 South Frontage Road, Billings, MT**

The subject property located at 6132 South Frontage Road, Billings, Montana is legally described as S18, T01 S, R26 E, SW4, Less RY, HWY & C/S 1614 & C/S 2038 and the portion zoned H-C and consists of approximately 126.5 acres of farmland. The parcel is currently zoned A-1, or Agricultural - Open Space with the exception of the portion zoned H-C, or Highway Commercial, which is not included in this Zone Change Plan.

The intent of this Zone Change Plan is to re-zone the property to HC, or Highway Commercial for the entire parcel. The figure at right shows existing zoning of the subject and surrounding properties. Of note is that many of the adjoining properties are zoned Highway Commercial.

Re-zoning of the parcel with Highway Commercial will offer predictable development going forward. According to the City of Billings and Yellowstone County Unified Zoning Regulations, the Highway Commercial zoning classification is defined as: "HC – Highway Commercial: The Highway Commercial zone is intended to provide areas for commercial and service enterprises which are intended primarily to serve the needs of the tourist, traveler, recreationist or the general traveling public. Areas designated as Highway Commercial should be located in the vicinity of, and accessible from interstate interchanges, intersections on limited access highways, or adjacent to primary or secondary highways. The manner in which the services and commercial activities are offered should be carefully planned in order to minimize the hazard to the safety of the surrounding community and those who use such facilities."



In consideration of the property's location and surrounding zoning, it is appropriate to re-zone the entire parcel to Highway Commercial. Furthermore, this particular zoning designation allows for residential development, which would provide buffering opportunities adjacent to existing and proposed residential areas.

The anticipated timeline for the Zone Change Application is as follows:

- | | |
|------------------------------------|--------------------|
| • Pre-Submittal Meeting | July 28, 2014 |
| • Submit Zone Change Application | August 4, 2014 |
| • Zoning Commission Public Hearing | September 8, 2014 |
| • County Commission Public Hearing | September 23, 2014 |

Attachment C – Zone Change #652



Subject property – south west corner



View south and west to Elysian School

Attachment C – Zone Change #652, continued



View north from Elysian Road to I-90



View east along Elysian Road

Attachment C – Zone Change #652, continued



View north and east from access road on Elysian Road

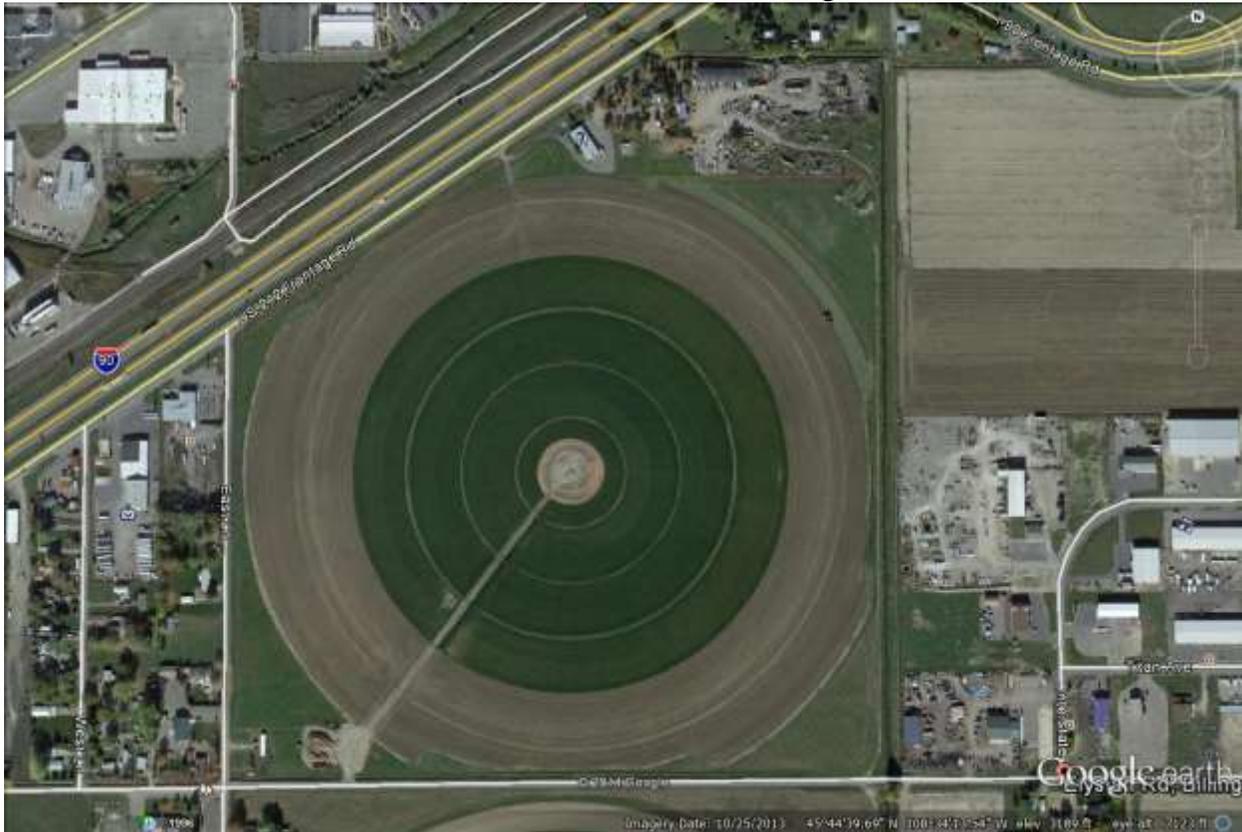


View south from South Frontage Road

Attachment C – Zone Change #652, continued



View south and east from South Frontage Road



Attachment C – Zone Change #652, continued



Adjacent Titan Subdivision @ 80 acres (commercial rural development)



Subject Property

September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,



Paul Schultz
6134 So. Frontage Rd.

September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quamburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quamburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,

A handwritten signature in black ink, appearing to read "J. Classe", is written over a horizontal line.

Jock Classe
Western Municipal Construction, Inc.
5855 Elysian Road
Billings, MT 59101
406-254-2106

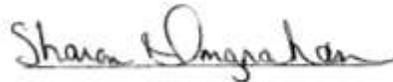
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and
Yellowstone County Commissioners

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Change from Agricultural to Highway Commercial.

Thank-you,


Sharon Ingraham
6132 South Frontage Rd

September 2, 2014

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and
Yellowstone County Commissioners

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at 6132 South Frontage Road.

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Change from Agricultural to Highway Commercial.

Thank-you,



WAYNE & ROXANNE HOGAN
6012 S FRONTAGE RD.

September 2, 2014

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and
Yellowstone County Commissioners

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Thank-you.



Don Tvetene
South Frontage Road

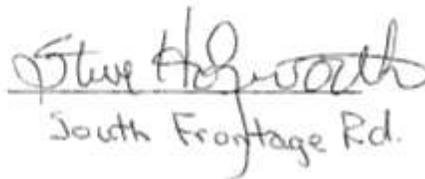
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Thank-you.



Steve Hopworth
South Frontage Rd.

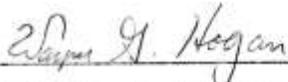
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Yellowstone County Commissioners

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Thank-you,



WAYNE G. HOGAN
5950 SO. FRONTAGE RD.

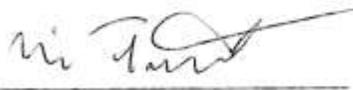
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Thank-you,



MIKE TVETENE
SOUTH FRONTAGE RD.

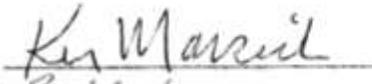
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Thank-you.


President
Billings Precast

September 2, 2014

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and
Yellowstone County Commissioners

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Thank-you.


Michael E. Sully
1444 West Lane
Billings, MT 59101

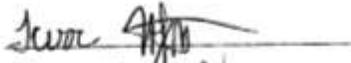
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Thank-you,


1790 EAST LN

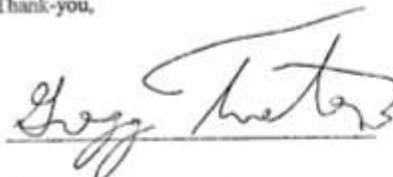
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Thank-you,


Gregg Tvetene
South Frontage Rd.

September 2, 2014

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Thank-you,



Josephina Torres-Quarnburg
Torres Cafe
6200 So. Frontage Rd.

September 2, 2014

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Yellowstone County Commissioners

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Thank-you,



Bill Davies
D&D Transport
6428 So. Frontage Rd.

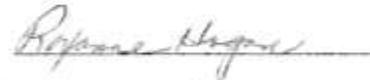
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Thank-you,



Roxanne Hogan
6048 South Frontage Road

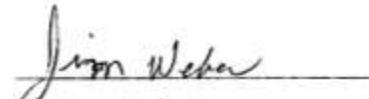
September 2, 2014

To: Yellowstone County Zoning Commission
and
Yellowstone County Commissioners

We own or occupy property near the Quarnburg Farming Corporation land
at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,


Jim Weber
5912 Elysian Rd

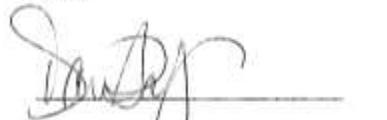
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Thank-you,



Dawn A. BLAZE TARDAY
1516 West Lane

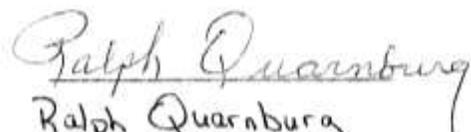
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Ralph Quarnburg
Ralph Quarnburg
6132 South Frontage Rd.

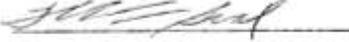
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Change from Agricultural to Highway Commercial.

Thank-you,


ALUMINUM CRITTERS
6400 South Frontage Rd

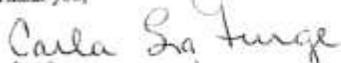
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and
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at 6132 South Frontage Road.

We would like you to know that we support the proposed Quarnburg Zone
Change from Agricultural to Highway Commercial.

Thank-you,



1448 West Lane

Elysian School District
Board of Trustees
6416 Elysian Road
Billings, MT 59101

City/County Planning
County Zoning Commission
Yellowstone County Commissioners
2825 3rd Ave. N.
4th Floor
Billings, MT 59101

September 5, 2014

Re: County Zone Change #652

To Whom It May Concern:

The Elysian School Board of Trustees would like to express our concerns with proposed Zone Change #652. The proposed zoning of Highway Commercial on the entire property will be a serious detriment to Elysian School, which is located immediately adjacent to this property. The School was not represented at the Pre-Application Neighborhood Meeting due to an incorrect address on the notice that was mailed, but our Superintendent, Bob Whalen has communicated our concerns to the Applicant (the Quarnburg family) in a recent meeting. We have not received a response yet from the Applicant, so we are documenting our concerns for the record.

Background:

Historically, this area has been rural, agricultural, and residential in nature. In recent years, commercial development to the south and west of the school has impacted the school negatively. Elysian School is currently experiencing significant growth due to new residential neighborhoods within the district. In March of 2013, voters within our district overwhelmingly (79%) voted to approve over ten million dollars in bonds to expand the school, at the current location. During the planning process, the possibility of moving the school was evaluated, due to risk of incompatible uses near the school. After months of study, it was determined that keeping the school at its current location was the only viable option. Moving the school would have been logistically and financially difficult, if not impossible. It was the hope of the Board and the community at large that this significant investment by the taxpayers of the district would influence future development and zoning decisions in the area surrounding the school. And in negotiating the purchase of land for the school's expansion, we were able to secure a buffer zone to protect the school on its south and west sides.

It is our opinion that this proposed zone change is incompatible with the school and should be denied for the following reasons:

Traffic & Safety:

Highway commercial zoning and the associated development could be expected to significantly increase traffic loads. Speeding is already a concern on Elysian Road as well as East Lane. Existing speed control signage has been ineffective at controlling speed and traffic. Our concern is of course for the safety of our students, teachers, and the community who use the school. The area surrounding a school should ideally have low traffic loads and slow speeds, and provide safe multi-modal transportation options. The area surrounding Elysian School has been rural, but development is imminent. Any development should enhance the safety around the school, not create additional peril.

Compatibility with a School:

Quite simply, the school has been in this location for generations, and the taxpayers are investing significantly in this facility. Any change in zoning or any development in the area must be compatible with this community asset. Ideally, schools should be located in residential neighborhoods, which are compatible with scale, form and function of a school. Highway Commercial is simply not compatible.

Elysian School is the community hub of this area. Besides serving as a K-8 school, it is also home to adult education classes, and numerous community events. The newly expanded school is designed to allow for even more opportunities as a community center. Surrounding development and zoning should be sensitive to this.

Compatibility with Existing Neighborhood, and other planned growth.

An Urban Planning Study (UPS) was prepared for the subject property by Morrison-Maierle in January 2014. This document was prepared to request an amendment to the city's annexation map. Interestingly, this study repeatedly contemplated approximately 1/3 of the total area as residential, which is not reflected in this current zone change request. The applicant's zoning request makes the argument that residential development could occur within a Highway Commercial zone. This is true, but if Highway Commercial zoning is approved, there is absolutely no assurance or requirement that any part of the subject property will be developed as residential.

Just prior to the Urban Planning Study for the subject property, the school was included in a different Urban Planning Study (Elysian/East Ln UPS), along with two farms immediately to the east of the school, comprising 144 acres. That area is contemplated as primarily residential, and is compatible with the school. The city's

annexation map was amended to allow for annexation of both properties (Elysian/East Ln, and Quarnburg). Subsequently, the City is currently planning water and sewer service extensions to all of these properties, including the school. The residential development contemplated in both urban planning studies provides considerably more property tax and system development fee revenue than the highway commercial development. These revenues were a major part of the city's decision to amend the annexation map.

Possible Solutions:

We would like to offer the following suggestions:

Amend the zoning request to match up with the land use contemplated in the Urban Planning Study, which was 1/3 of the total acreage as residential. Cluster this area around the school to create a buffer.

Create a plan to mitigate traffic impacts around the school. Restrict commercial traffic access to Elysian road westbound (in front of the new entrance to the school). Direct traffic to South Frontage Road as much as possible.

Please carefully consider our concerns, and suggested solutions. Elysian School is a tremendous community asset. Please ensure that the area surrounding the school is compatible with the school and developed appropriately.

Sincerely,

Elysian School District
Board of Trustees

PETITION AGAINST THE APPROVAL OF COUNTY ZONE CHANGE #652

We, the undersigned, wish to express our disapproval for Zone Change Request #652, 6132 S Frontage Road - A zone change request from Agriculture-Open Space (A-1) to Highway Commercial (HC) on a 126.51 acre parcel of land described as the SW1/4, Sec16, T1S, R26E, less the HWY & C/S 1614 and C/S 2038 and an area already zoned HC. The area is presently used as a sod farm for Twetene Turf.

Date	First Name	Last Name	Address	Signature
9/5/14	Lawrence	Smith	1748 Front St.	us ft
9/5/14	Kelly	Smith	1748 Front St.	Kelly Smith
9/6/14	Marnie	Wilson	1601 Front St	Marnie Wilson
9-6-14	Jamie	Harley	5223 Golden Hollowed	Jamie Harley
9-6-14	Jonathan	Mills	1717 Stony Meadow Lane	Jonathan Mills
9/6/14	Heley	Vannatta	1814 Front St	Heley Vannatta
9/6/14	Tasha	Mills	1717 Stony Meadow Ln	Tasha Mills
9/6/14	Megan	Lichert	1742 Stony Meadows	Megan Lichert
9/6/14	Michael	Ziske	1777 Front St	Michael Ziske
9/6/14	Gary	McCall	1615 Front St	Gary McCall
9-6-14	Alicia	Soussi	1840 Front Street	Alicia Soussi
9-6-14	Elie	Soussi	1840 Front Street	Elie Soussi
9-6-14	Kassandra	Gomerdi	1731 Lone Pine Dr.	Kassandra Gomerdi
9-6-14	Jennifer	Dow	1726 Front St	Jennifer Dow
9-6-14	Ken	Dow	1726 Front St	Ken Dow
9-6-14	Erin	Grunnett	1746 Hollyhock St	Erin Grunnett
9-6-14	Bryan	Grunnett	1746 Hollyhock St	Bryan Grunnett
9-6-14	Darlan	Kunte	5402 Lazy Willow Ln	Darlan Kunte
9-6-14	Sara	Breshers	1828 Front St.	Sara Breshers
9-6-14	Lynelle	Berchtold	1828 Front St	Lynelle Berchtold
9-6-14	Megan	Zawacki	1834 Front St	Megan Zawacki
9-6-14	Shane	Zawacki	1834 Front St	Shane Zawacki
9-6-14	Josh	Wirth	1828 Lone Pine Dr	Josh Wirth
9-6-14	Chas	Nimmo	1803 Stony Meadow	Chas Nimmo
9-6-14	Grice	Goode	1803 Stony Meadow	Grice Goode
9-6-14	Samm	Koch	1711 Front St	Samm Koch
9-6-14	Kevin	Kocot	1711 Front St	Kevin Kocot
9-6-14	Wade	Brayer	5306 Lazy Willow	Wade Brayer
9/6/14	Tasha	Straight	1436 Front St	Tasha Straight

	Date	First Name	Last Name	Address	Signature
30	9/6/14	Andrea	Brucker	1707 Front St	<i>Andrea Brucker</i>
31	9/6/14	Kyle	Brucker	1707 Front St	<i>Kyle Brucker</i>
32	9/6/14	Niede	Geiger	1841 Stony Meadow	<i>Niede Geiger</i>
33	9/6/14	Sara	Kane	1633 Front St.	<i>Sara L. Kane</i>
34	9/6/14	Mark	Kane	1633 Front St	<i>Mark Kane</i>
35	9/6/14	Shane	Lovering	1608 Stony Meadow	<i>Shane Lovering</i>
36	9/6/14	Lisa	Lovering	1608 Stony Meadow	<i>Lisa Lovering</i>
37	9/6/14	Matt	Hardy	1815 Lost Creek Rd	<i>Matt Hardy</i>
37	9/6/14	Dawn	Hardy	1815 Lost Creek Rd	<i>Dawn Hardy</i>
38	9/6/14	Coleen	Lee	1902 Front St.	<i>Coleen Lee</i>
39	9/6/14	Jay	Lee	1902 Front St	<i>Jay Lee</i>
40	9/6/14	Caleb	Larde	1613 Hollyhock St Bldg	<i>Caleb Larde</i>
41	9/7/14	Dwight	Harley	5223 Golden Hollow Rd.	<i>Dwight Harley</i>
42	9/7/14	Arline	Foster	1705 Stony Meadow Ln	<i>Arline P. Foster</i>
43	9/7/14	Donald	Foster	1705 Stony Meadow Ln	<i>Donald Foster</i>
44	9-8-14	SUSAN	DOERE	1810 SOWBIRD DR	<i>Susan Doere</i>
45	9-8-14	DAKOTA	DOERE	1810 SOWBIRD DR.	<i>Dakota Doere</i>
46	9-8-14	Laurie	VanRoekel	1724 Stony Meadow Ln	<i>Laurie VanRoekel</i>
47	9-8-14	MARILYN	Laughery	1700 Stony Meadow Ln	<i>Marilyn Laughery</i>
48	9-8-14	Ethel	Rogers	1711 Stony Meadow Ln	<i>Ethel Rogers</i>
49	9-8-14	Bryan	Wilson	1601 Front St.	<i>Bryan Wilson</i>
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Arliss Keller
1540 East Lane
Billings, MT 59101



County Zoning Commissioner
2825 3rd Ave N.
4th Floor
Billings, MT 59101

RE: County Zone Change #652
Project Number: 14-174

To Whom It May Concern;

I am a resident affected by the proposed Zone Change #652. I have lived in this area for over 20 years, am long standing friends with most of my neighbors, and my children are alumni of Elysian School. We chose this area of town because we valued the life it provided. My children walked to school each day and played in the surrounding neighborhood, but I fear my grandchildren will no longer be afforded the same life style.

I and my neighbors have numerous concerns about the proposed zoning change. Those concerns are in opposition to many of the eleven criteria for zoning changes and are as follows:

Increased Traffic, #3, 11

In the years since this area began developing the level of commercial traffic has increased significantly.

The current amount of commercial truck traffic is already alarming, and the proposed change would only worsen the problem.

These large trucks are also some of the worst speeding offenders. The speed limit is 35mph and 15mph while school is in session. The speed limit is completely ignored and many trucks travel as fast as 65mph on a regular basis. It is nearly impossible to report these trucks to the companies that own them, and even if we do reach the company there seems to be of little to no effect.

Damage to Roads, #3, 6, 8

This commercial traffic has also wreaked havoc on our roads. The roads are owned by the County and do not take high priority. In nearly 20 years they have been repaved once and chipped sealed only twice. The roads are becoming pitted and hazardous much more quickly.

Danger to Children #4

Many children walk to school, ride bikes and families take leisurely walks on these roads. They were once country roads where this was safe, but less and less families feel this is a safe option any longer. The speeding trucks and cars prove to be too great of a danger.

The crosswalks are already completely ignored. All it will take is one careless driver to change this community permanently. This seems imminent given the current circumstances.

The school has implored the county for flashing signs, but they were told they would have to provide \$15,000.00 to obtain such signs. The school did not create this problem, the businesses did; however, the burden will fall to the school or parents instead.

Quality of Life #4, 8, 9, 10

As I stated before, my neighbors, all the way to Josephine Crossing, chose this area of town because of its remote country lifestyle and close-knit community. The families of Josephine were not even warned as their homes are more than 500 ft from the zoning. This is not fair to those families, this is a community and all of our homes will be affected. To the best of my knowledge, the School Board was also not informed.

It is no longer safe for our children to ride their bikes or cross the streets. The traffic is unpredictable and dangerous.

We also feel our property values will plummet, if we are surrounded by commercial properties. Our current views are of fields and the south hills; we do not wish to look at large unsightly commercial structures.

If the zoning is approved, we as a community will require strict regulations. Some suggestions include:

1. Buffer zone or splitting of the commercial zone:

The commercial zone will need to provide a substantial buffer zone, or better yet, the property should be split, with part residential and part zoned commercial.

Billings has plenty of commercial property, and due to the proximity to a school, the proposed change needs to take that into consideration.

2. Road access and zoning

If only the first 500ft from South Frontage Road was zoned commercially, this could address the road problems and avoid the school being so close in proximity to commercial business. Also, this should give the owners sufficient desirability to commercial buyers.

There should also be a stipulation that provides that businesses only have access from Frontage Road.

3. Four-Way Stop

A four way stop needs to be installed at the intersection of Elysian Road and East Lane to ensure traffic slows and stops, as children may be crossing the street, and parents are transporting children to school.

4. Blinking signs

If the existing businesses wish to access Elysian Road, then a blinking "school zone" sign needs to be installed, not at the schools expense.

5. Bike path and Sidewalks

A bike path and sidewalks should be provided for the children and families who wish to safely use this area.

6. Noise ordinance

A noise ordinance needs to be established, so the community will not be subjected to commercial disturbances. Truck traffic should also have a curfew.

7. Property maintenance

The current businesses are not maintaining their properties. Any new businesses should have a berm that is well maintained to hide unsightly commercial activities. There should also be regulations about fencing, if a berm cannot be provided.

I will be out of town during the September meetings, but still wish to make my concerns heard. Please carefully consider how this proposed zoning change may negatively affect our community.

Sincerely,

Arliss Keller

A handwritten signature in cursive script that reads "Arliss Keller".



MCCALL HOMES

1536 Mullawney Lane Suite 100
Billings, Montana 59101
Telephone: 406-651-5354
Fax: 406-651-5364
www.mccallhomes.com

County Zoning Commission
Yellowstone County Commissioners
Sent Via Email and Hand Delivered

Re: Zone Change #652

Dear Zoning Commission and County Commissioners:

Our company, McCall Homes, would like to voice it's opposition to this zone change request.

As you may know, McCall Homes is the builder of Josephine Crossing, which is about a half mile from the Quarnburg property. Josephine has been a wonderful project for us, and we believe it is a nice addition to Billings. As we have seen the build out of Josephine approaching, we have been working on plans for our next neighborhood. Over the past year we have joined with the Armstrong and Walters families in planning the future development of these farms. Together, these farms are about a one half mile square (144 acres) directly south of the Quarnburg property. In order to create a planned neighborhood with urban densities, we will need City services.

In October of last year, we completed an Urban Planning Study, which is necessary to request amendment to the city's annexation map. Our study made the case that the development pattern of Josephine yields significantly higher tax revenue, and system development fees compared to low density commercial. Our study spurred interest from public works in exploring extending services to this area. Public Works, and the city, were interested to see if other properties in the area would be interested in, and appropriate for inclusion in this extension and possible annexation. In January of this year, the Quarnburg Farming Corp. submitted their own Urban Planning Study. In their study, ours was referenced multiple times, including using our density and revenue calculations. Their study assumed that 1/3 of the acreage would be developed as residential, with densities matching ours (5 units per acre). This area and density was used to calculate possible System Development Fee revenue. The residential area was calculated to contribute \$875,700, while the commercial area was calculated to contribute \$159,360 in SDF's, for over 1 million total. If the property is developed as all Highway Commercial, as requested, it is likely that less than \$250,000 in SDF revenue will be realized. By comparison, our 144 acre study area should realize nearly 4 million in SDF revenue.

Besides the economic issues, we believe that the subject property's location in relation to Elysian School, residential on East Ln, and the new neighborhood we are planning, demands more thoughtful zoning than just a blanket of Highway Commercial. We would encourage the Quarnburgs to engage with its neighbors to seek a more comprehensive zoning plan.

Sincerely,

Greg McCall

Brad McCall